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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,709	10/23/2001	Yuji Saiki	04558.057001	2960

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EXAMINER	
SEFER, AHMED N	

ART UNIT	PAPER NUMBER
2826	

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/001,709	SAIKI ET AL.	
	Examiner	Art Unit	
	A. Sefer	2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☒ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. The amendment filed on 11/5/2003 has been entered and new claims 19-27 have been added.

Priority

2. Submission of the translation of the foreign language application (JP 2000-327247) is acknowledged. Therefore, US PG-Pubs 2003/0048396 (Ishii) and 2003/0086170 (Hamamoto) are not available as a prior art.

Response to Arguments

3. Applicant's arguments, see pages 11 and 12, filed on 11/5/2003, with respect to the rejection(s)of claim(s) 1-3, 5-11, 13-14 and 16-18 under 35 U.S.C. 102(b) and 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yoshimi et al. (JP 6-59123).

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is insufficient antecedent basis for the limitation "the absorption axis" recited in claim 8.

Information Disclosure Statement

5. The information disclosure statement filed on 8/5/2003 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for

consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-7, 11, 13-15, 17-20, 22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimi et al. (JP 6-59123).

Yoshimi et al disclose (see figs. 1-7 and computer translated document) a liquid crystal display comprising on at least one side of a liquid crystal cell or a polarizing plate 4 comprising a polarizer, the polarizer comprising: a first portion having a polarization degree of 99% at wavelength of light for wavelengths within the range recited in the claim and a second portion having a polarization degree of 99% or more at wavelength of light for wavelengths within the range recited in the claim wherein the first portion and the second portion are laminated by an adhesive 5 (as in claims 2 and 14) or pressure-sensitive adhesive (as in claims 6 and 15) or directly laminated (as in claim 17) by an adhesive (as in claim 18).

Although Yoshimi et al do not specifically disclose a polarization degree at each wavelength, it is standard to take measurements at intervals such as every 10nm as disclosed by Yoshima et al, since that would provide a more accurate result.

As for claims 4 and 5, Yoshimi et al disclose (see computer translated document) the adhesive is a polyvinyl alcohol-based adhesive or urethane-based adhesive (as in claim 5).

As for claim 11, Yoshimi et al disclose a viewing angle compensating film 1 attached to the polarizing plate.

Regarding claims 3 and 7, the specification contains no disclosure of either the critical nature of the claimed arrangement or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

As for claims 22, 24 and 26, Yoshimi et al disclose a polarizing plate located on one side of a liquid crystal cell 6.

8. Claims 8-10, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimi et al. (JP 6-59123) in view Ozeki et al. USPN 6,498,633.

Yoshimi et al disclose the device structure as recited in the claim, but do not specifically disclose an absorption axis.

Ozeki et al disclose (see col. 4, lines 52-58) a polarizing plate comprising a polarizer, the polarizer comprising two portions of a polarizer laminated so that the absorption axis are disposed in parallel to each other.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the teachings of Ozeki et al with the device of Yoshimi et al since that would provide a desired wavelength dependence as taught by Ozeki et al.

As for claims 9 and 10, Ozeki et al disclose (see col. 7, lines 54-57) a reflector/ transreflector or a retardation plate 4 (as in claim 10) attached to the polarizing plate.

9. Claims 12, 16 and 21, 23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimi et al. (JP 6-59123) in view Kameyama et al. USPN 6,088,079.

Yoshimi et al disclose the device structure as recited in the claim, but do not specifically disclose a brightness enhancement film attached to polarizing plate.

Kameyama et al. disclose (see abstract) a brightness enhancement film (cholesteric liquid crystal layer) attached to polarizing plate.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the teachings Kameyama et al with the device of Yoshimi et al since that would improve display brightness as taught by Kameyama et al.

Regarding claim 16, Kameyama et al disclose (see col. 15, lines 1-25) a separator. As for its function, a recitation of an intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See In re Casey, 152 USPQ 235 (CCPA 1967) and In re Otto, 136 USPQ 458, 459 (CCPA 1963).

As for claims 21, 23, 25 and 27 Kameyama et al. disclose (see col. 11, lines 6-13) a polarizing plate transmitting a linearly polarized light having a predetermined polarization axis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Sefer whose telephone number is (703) 605-1227.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601.

ANS
January 22, 2004